



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Kenneth Jacobs et al.

Serial No.: 09/745,763

Filed: December 21, 2000

For: *Secreted Proteins and Polynucleotides Encoding Them*

Attorney Docket No.: GIN-6046CP

Group Art Unit: 1653

Examiner: Not assigned

TECH CENTER 1600/2900

#15
JM
5/3/03

Commissioner for Patents
Washington, D.C. 20231

Certificate of First Class Mailing (37 CFR 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on the date set forth below.

November 30, 2001

Date of Signature and of Mail Deposit

By:

Debra J. Milasincic, Esq.

Registration No. 46,931

Attorney for Applicants

PETITION TO CORRECT FILING DATE PURSUANT TO 37 C.F.R. §1.10

Dear Sir:

Applicants hereby request, pursuant to 37 C.F.R. §1.10(c), that the filing date of US Patent Application No. 09/745,763 be corrected from December 22, 2000, the filing date accorded by the Patent Office as stamped on the return postcard filed with the application, to **December 21 2000, the actual United States Postal Service ("USPS") deposit date.**

In support of their request for correction, Applicants submit herewith copies of the following documents as evidence of the actual filing date of December 21, 2000 for the above-referenced application:

(1) a true copy of Express Mail Label No. **EL 683 634 742 US** made prior to deposit of the application with the United States Postal Service and further showing the Express Mail label no. sticker on the bottom right-hand corner ;

(2) a true copy of the Application Transmittal Letter dated **December 21, 2000**, made prior to deposit of the application with the United States Postal Service, describing the papers which constituted the application filing package, and bearing a certification of Express Mailing (Express Mail Label No. **EL 683 634 742 US**) indicating that the application filing package was deposited with the United States Postal Service "Express Mail Post Office to Addressee" on **December 21, 2000** by Larry Taylor;

(3) a true copy of the return postcard, made prior to deposit of the application with the United States Postal Service, originally filed with the above-referenced application, describing the papers that constituted the filing package and indicating the deposit into "Express Mail" on **December 21, 2000** with Certificate of Express Mailing No. **EL 683 634 742 US**;

(4) a true copy of the "Express Mail" mailing label No. **EL 683 634 742 US**, bearing the "date in" of **December 21, 2000** *and also bearing the official United States Postal Service/ BOSTON, MA 02205 date stamp of December 21, 2000* in the upper right-hand corner of the Express Mail label, indicating that the application package was in fact deposited with the United States Postal Service "Express Mail Post Office to Addressee" on **December 21, 2000**; and

(5) a copy of the return postcard, date-receipt stamped by the Patent Office with the incorrect date of December 22, 2000, describing the papers that constituted the filing package and indicating the deposit into "Express Mail" on **December 21, 2000** with Certificate of Express Mailing No. **EL 683 634 742 US**.

Applicant respectfully submits that the United States Patent and Trademark Office *incorrectly* accorded the above-referenced application a filing date of **December 22, 2000**.

Therefore, Applicants submits herewith a true copy of the Express Mail label no. **EL 683 634 742 US** (item (4) above) which indicates a "date in" of **December 21, 2000** *and also bears the official United States Postal Service/ BOSTON, MA 02205 date stamp of December 21, 2000* in the upper right-hand corner of the Express Mail label. This true copy, together with items (1) and (2) above conclusively establish that the instant application was deposited with the United States Postal Service "Express Mail" on December 21, 2000 and is therefore entitled to a filing date of December 21, 2000.

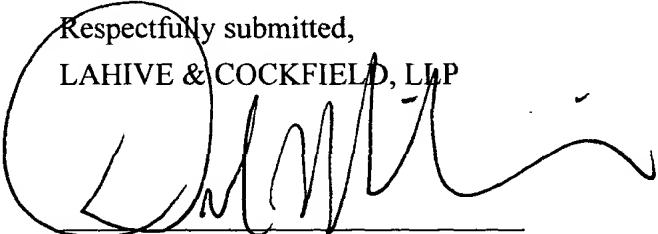
In summary, Applicants respectfully request that the present Petition be granted and that the filing date of US Patent Application No. 09/745,763 be corrected from December 22

December 21, 2000.

No fees are believed to be due in connection with this communication. However, please charge any necessary fees to our Deposit Account No. 12-0080. A duplicate of this document is enclosed.

Please contact the undersigned at 617-227-7400 with any questions.

Respectfully submitted,
LAHIVE & COCKFIELD, LLP



Debra J. Milasincic, Esq.
Registration No. 46,931
Attorney for Applicants

28 State Street
Boston, MA 02109
Phone: (617) 227-7400
Fax: (617) 742-4214

Date: November 30, 2001



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| GIN-6046CP | | | | Customer Signature | | | |

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THE ASSISTANT COMMISSIONER FOR PATENTS
Box Patent Application
Washington, D.C. 20231

Patent No. 000959
Locket No. GIN-6046CP

Sir:

Transmitted herewith for filing is the continuation-in-part patent application under 37 CFR §1.53 of the following pending prior patent applications: Ser. No. 09/040,963, filed March 18, 1998; Ser. No. 09/044,466, filed March 19, 1998; Ser. No. 09/046,881, filed March 24, 1998; Ser. No. 09/047,661, filed March 25, 1998; Ser. No. 09/059,487, filed April 13, 1998; Ser. No. 09/065,125, filed April 23, 1998; and Ser. No. 09/087,255, filed May 29, 1998, all pending.

Inventor(s): Kenneth Jacobs et al.

For: SECRETED PROTEINS AND POLYNUCLEOTIDES ENCODING THEM

Enclosed are:

- ☒ 195 pages of specification, 78 pages of claims, 1 pages of abstract.
- ☒ 2 sheets of Drawings (Figs. 1A-1B).
- ☒ 214 pages of Sequence Listing (numbered 1-214).
- ☒ A Declaration, Petition and Power of Attorney. (Unexecuted)
- ☒ Preliminary Amendment.

The filing fee has been calculated as shown below:

| | (Col. 1) | (Col. 2) |
|--------------------------------------------------------------|----------------------|-----------|
| FOR: | NO. FILED | NO. EXTRA |
| BASIC FEE | //////////////////// | |
| TOTAL CLAIMS | 14 - 20 | = 0 |
| INDEP. CLAIMS | 14 - 3 | = 11 |
| <input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED | | |

* If the difference in Col. 2 is less than zero,
enter "0" in Col. 2.

| SMALL ENTITY | |
|--------------|-----|
| RATE | FEE |
| //////// | \$ |
| x 9= | \$ |
| x 40 | \$ |
| +135 | \$ |
| TOTAL | 0 |

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| x 18= | \$ |
| x 80 | \$ 880 |
| +270 | \$ |
| TOTAL | \$1590.00 |

- ☐ Please charge my Deposit Account No. _____ in the amount of \$. A duplicate copy of this sheet is enclosed.
- ☒ **FILING FEES ARE NOT BEING PAID AT THIS TIME.**
- ☐ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. _____. A duplicate copy of this sheet is enclosed.
 - ☐ Any additional filing fees required under 37 C.F.R. 1.16.
 - ☐ Any patent application processing fees under 37 C.F.R. 1.17.
- ☐ The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. _____. A duplicate copy of this sheet is enclosed.
 - ☐ Any patent application processing fees under 37 C.F.R. 1.17.
 - ☐ The issue fee set in 37 C.F.R. 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b)
 - ☐ Any filing fees under 37 C.F.R. 1.16 for presentation of extra claims.



Address all future communications (May only be completed by applicant, or attorney or agent of record)
to Amy E. Mandragouras at Customer Number: 000959 whose address is:

Lahive & Cockfield, LLP
28 State Street
Boston, Massachusetts 02109

"Express Mail" mailing label number EL 683 634 742 US

Date of Deposit December 21, 2000

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231

Signature

Larry Taylor

Please Print Name of Person Signing

LAHIVE & COCKFIELD, LLP
Attorneys at Law

By Debra J. Milasincic

Debra J. Milasincic

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Office No. ⁴⁶GIN-6054CP

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IMPRINTED HEREON ACKNOWLEDGES THE FILING OF:

Description of Paper* and No.: Cover Sheet for filing Continuation-in-Part Patent Application (2 pgs.)
(in duplicate); Patent Application (195 pages of Specification; 78 pages of Claims; 1 page of Abstract;
2 sheets of Drawings (Figures 1A-1B); 214 pages Sequence Listing; Unexecuted Declaration Power of
Attorney, a Preliminary Amendment; and this prepaid acknowledgment postcard.

Title: Secreted Proteins and Polynucleotides encoding Them

Name of Applicant(s): Kenneth Jacobs et al.

Intf. or Serial No.: Not Yet Assigned

Atty: AEM/DJM/EFW

Date: December 21, 2000

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IMPRINTED HEREON ACKNOWLEDGES THE FILING OF:

Description of Paper* and No.: Cover Sheet for filing Continuation-in-Part Patent Application (2 pgs. (in duplicate); Patent Application (195 pages of Specification; 78 pages of Claims; 1 page of Abstract); 2 sheets of Drawings (Figures 1A-1B); 214 pages Sequence Listing; Unexecuted Declaration Power of Attorney, a Preliminary Amendment; and this prepaid acknowledgment postcard.

Title: Secreted Proteins and Polynucleotides encoding Them

Name of Applicant(s): Kenneth Jacobs et al.

Intf. or Serial No.: Not Yet Assigned

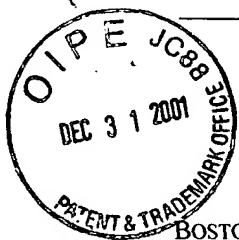
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Date: December 21, 2000

*with Certificate of Express Mailing No. EL 683 634 742 US

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* Admitted in NY only
** Passed the Patent Bar Examination
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November 30, 2001

Commissioner for Patents
Washington, DC 20231

Attn: Application Processing Division
Correction Branch

Re: U.S. Patent Application Serial No. 09/745,763
Title: "*Secreted Proteins and Polynucleotides Encoding Them*"
Filing Date: December 21, 2000
Inventors: Kenneth Jacobs *et al.*
Our Reference No.: GIN-6046CP

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Petition to Correct Filing Date pursuant to 37 CFR 1.10;
2. Copy of Post Office Express Mail Label No. EL 683 634 742 US made prior to deposit of the application with the United States Postal Service;
3. Copy of Application Transmittal Letter;
4. Copy of return receipt postcard made prior to deposit of the application;
5. Copy of Post Office Express Mail Label No. EL 683 634 742 US bearing the "date in" of December 21, 2000;
6. Copy of return receipt postcard (stamped incorrectly by PTO); and
7. Return acknowledgment postcard.

Please charge any necessary fees to our Deposit Account No. 12-0080. The undersigned requests any extensions of time necessary to respond. A duplicate of this sheet is enclosed.

Certificate of First Class Mailing (37 C.F.R. §1.8(a))
I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on:
November 30, 2001
Date
Debra J. Milasincic, Esq., Reg. No. 46,931

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

Debra J. Milasincic, Esq.
Reg. No. 46,931
Attorney for Applicants

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